

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

Cedric Brown,)	Civil Action No. 2:12-01404-CWH
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
Mrs. Tiffany R. Spann-Wilder, Esq.,)	
and Mr. Scott Bluestein, Esq.)	
)	
Defendants.)	
_____)	

The plaintiff, Cedric Brown (the “plaintiff”), has filed this pro se action against two attorneys who represented him in a lawsuit against his employer after he suffered a work-related injury on January 29, 2005. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2)(e), D.S.C., this matter was referred to a United States Magistrate Judge for pre-trial proceedings and a report and recommendation. The magistrate judge carefully analyzed the issues and the applicable law prior to recommending that the case be dismissed without prejudice and without issuance of service of process because the court lacked subject matter jurisdiction over the case. (ECF No. 10). The plaintiff filed an objection to the report. (ECF No. 12).


This matter is now before the Court for disposition. The Court is charged with making a de novo determination of any portions of the magistrate judge’s recommendation to which a specific objection is made. 28 U.S.C. § 636(b). The Court evaluates the evidence without granting any deference to the magistrate judge’s findings and conclusions. Mathews v. Weber, 423 U.S. 261, 270-71 (1976); Estrada v. Witkowski, 816 F. Supp. 408, 410 (D.S.C. 1993). The final decision is made by the Court based upon the actual record, not merely the magistrate

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judge's reported findings. Wimmer v. Cook, 774 F.2d 68, 76 (4th Cir. 1985). The Court may accept, reject, or modify, in whole or in part, the report and recommendation, or recommit the matter with instructions. 28 U.S.C. §636(b)(1).

After carefully reviewing the applicable law, the record in this case, and the report and recommendation, the Court finds the magistrate judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. The Court, therefore, accepts and adopts the recommendation of the magistrate judge in its entirety. The plaintiff's complaint is dismissed without prejudice and without issuance and service of process upon the defendants.

AND IT IS SO ORDERED.


C. WESTON HOUCK
UNITED STATES DISTRICT JUDGE

July 23, 2012
Charleston, South Carolina

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